

23.08.2023
Sl. No.38
akd
[ALLOWED]

C. R. M. (DB) 3304 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 17.08.2023 in connection with Nowda Police Station Case No.330 of 2022 dated 24.11.2022 under Sections 302/34/120B of the Indian Penal Code, Sections 25/27/35 of the Arms Act, 1959 and Sections 3/4 of the Explosive Substances Act. (G.R. Case No.5186 of 2022)

And

In Re: ***Pintu Mondal @ Pinku Mondal***

... .. Petitioner

Mr. Sudipto Moitra .. Sr. Advocate
Mr. Vijay Verma
Mr. Dwaipayan Biswas

... .. for the petitioner

Mr. Neguive Ahmed .. Id. Addl. Public Prosecutor
Ms. Amita Gaur

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 250 days. It is further submitted co-accused viz. Rajkumar Kabiraj @ Khalekul Kabiraj @ Khaleque Kabiraj who stands on the same footing with the petitioner has been enlarged on bail. Accordingly, he renews his prayer for bail.
2. Learned Additional Public Prosecutor opposes the prayer for bail.
3. We have considered the materials on record. There is no direct evidence to show that the petitioner was present at the place of occurrence where the victim was murdered. Alleged recovery was made from the petitioner after one month. Under similar circumstances, co-accused viz. Rajkumar Kabiraj @ Khalekul Kabiraj @ Khaleque Kabiraj has been enlarged on bail. Hence, we are inclined to extend the same privilege to the petitioner also.
4. Therefore, the accused/petitioner, namely ***Pintu Mondal @ Pinku Mondal***, be released on bail upon furnishing a bond of Rs.10,000/-

(Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Murshidabad at Behrampore subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

5. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
6. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)